IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9625 of 2005

Between:

Viswanadham Rachaiah S/o.Chinna Rachaiah
Nellore District-524132.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Secretary (Revenue Department), Secretariat, Hyderabad.
2 The Joint Collector Nellore, Nellore District.
3 The Revenue Divisional Officer Gudur, Nellore District.
4 The Mandal Revenue Officer Venkatagiri Mandal, Venkatagiri, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly a writ of Mandamus declaring the action of the 1st respondent in not passing any order on stay application pending appeal filed on 30-12-2004 as illegal, arbitrary and unconstitutional and consequently direct the respondents not to dispossess the petitioner from the land in Sy.No.97/1, (Acre.1.05 cents) Survey No.96/8 (0.23 cents), Sy.No.96/13 (025) Cents) and in Sy.No.96/14 (0.12 cents) a total extent of Acre 1.65 cents, situated at Cheve Reddy Palli Village, Venkatagiri Mandal, Nellore District.

Counsel for the Petitioner: MR.G.DASARADHA RAMI REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9625 OF 2005

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ORDER :

The third respondent – Revenue Divisional Officer passed an order dated 9-11-2002 confirming the order of resumption made by the 4th respondent under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'). The petitioner who claims to be in possession of the land ordered to be resumed in respect of the land to an extent of Ac.1.65 cents situated in different survey numbers namely Sy.Nos.97/1, 96/8, 96/13 and 96/14 of Chevireddy Palli Village, Venkatagiri Mandal, Nellore District filed a Revision Petition before the 2nd respondent – Joint Collector. Though initially the second respondent granted stay of the impugned order of resumption, ultimately by order dated 24-09-2004 the Revision Petition was dismissed. Aggrieved by the said order, the petitioner preferred a Revision under Section 4-B of the Act before the 1st respondent along with an application seeking stay of dispossession pending disposal of the Revision. The grievance of the petitioner is that thought the said Revision Petition was received by the 1st respondent on 30-12-2004, the same has not been considered and no orders have been passed so far even on his application for stay. It is alleged that in the

meanwhile the 4th respondent is trying to dispossess the petitioner on the basis of the impugned order of resumption. Hence, this writ petition seeking a declaration that the alleged inaction on the part of the 1st respondent is arbitrary and illegal.

Having regard to the facts and circumstances of the case and having heard the learned Counsel for both the parties, without expressing any opinion on merits, the Writ Petition is disposed of with a direction to the 1st respondent to consider the Revision preferred by the petitioner on 30-12-2004 against the order of the 2nd respondent dated 24-09-2004 and to dispose of the same in accordance with law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of this order. Till such time, Status Quo obtaining as on today as to the nature and possession of the land in question shall be maintained.

The Writ Petition is accordingly disposed of. No costs.

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27th April, 2005.

Note:- CC in a week.

(B/O)

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To

1 The Secretary (Revenue Department), The Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Joint Collector Nellore, Nellore District.
3 The Revenue Divisional Officer Gudur, Nellore District.
4 The Mandal Revenue Officer Venkatagiri Mandal, Venkatagiri, Nellore District.

5 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

6 Two CD copies.